



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 03/10/2005
PAGE: 1 of 1

SUBJECT: C14-05-0007 - Rafael Montes De Oca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15200 F.M. 1825 Road (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) commercial district zoning. Applicant: Rafael Montes De Oca. Agent: Tommy Schmoker. City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0007

Z.A.P. DATE: February 15, 2005

ADDRESS: 15200 F.M. 1825 Road

OWNER/APPLICANT: Rafael Montes De Oca

AGENT: Tommy Schmoker

ZONING FROM: SF-2

TO: CS

AREA: 0.467 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/15/05: Approved staff's recommendation of CS-CO with additional conditions to allow CS district development standards and GR district permitted uses (8-0, K. Jackson-absent); M. Whaley-1st, J. Martinez-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with an auto repair shop and a vacant structure. The applicant is requesting a rezoning to bring the automotive repair use into conformance with Land Development Code regulations. The applicant would also like to utilize the vacant building on the site for a general restaurant.

The staff recommends CS-CO, General Commercial Services-Conditional Overlay District, zoning for this site because the property has frontage on F.M. 1825, an arterial roadway, and conforms with the purpose statement for the CS district. The property is located adjacent to existing CS zoning and there are commercial uses surrounding the site to the north, south, east, and west.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | SF-2 | Auto Repair (Three Points Mufflers and Collision Center), Unoccupied Structure |
| <i>North</i> | CS | Auto Repair (Three Points Auto Service) |
| <i>South</i> | CS | Bank (Credit Union), Retail Sales (Blockbuster Video), Service Station (Race Track), Restaurant-Limited (Taco Cabana, Jack In The Box), Retail Sales (Firestone Tire Sales), Restaurant-General (Fish Daddy's, Cheddar's) |
| <i>East</i> | County | Auto Repair (Lube Express), Equipment Repair Services (SOS Electronic Repair), Residential Neighborhood |
| <i>West</i> | CS | Undeveloped Tract, Restaurant-General (Posado's Restaurant) |

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS: N/A

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|----------------|---|---|
| C14-04-0148 | I-SF-2 to CS | 11/2/04: Approved staff's recommendation of CS-CO zoning, with additional condition prohibiting Adult Oriented Businesses (9-0) | 12/2/04: Approved CS-CO (7-0); all 3 readings |
| C14-03-0101 | I-RR to CS | 8/12/03: Approved staff's alternate recommendation of CS-CO zoning, with condition of no Adult Oriented Businesses (8-0, J. Cortez-left early); | 10/23/04: Granted CS-CO (6-0, Dunkerly-absent); all 3 readings |
| C14-03-0083 | I-RR to CS | 6/24/03: Approved staff's rec. of CS-CO zoning; by consent (7-0, J. Cortez-Not yet arrived, J. Donisi-absent) | 7/31/03: Approved CS-CO (7-0); all 3 readings |
| C14-01-0132 | I-RR to GR | 11/13/01: To approve staff's recommendation of GR-CO zoning with a condition to limit development to no more than 2 story buildings for a depth of 100' from Pecan Street (F.M. 1825). (8-0, J. Martinez- absent) | 12/13/01: Approved GR-CO on consent (7-0). 1/17/02: Approved (7-0); 2 nd /3 rd readings |
| C14-00-2226 | SF-2 to LI | 12/19/00: Approved staff alternate rec. of LI-CO by consent (6-0) | 1/8/01: Approved LI-CO w/conditions (6-0); 1 st reading 7/19/01: Approved LI-CO with conditions (6-0); 2 nd / 3 rd readings |
| C14-00-2185 | SF-2 to LI | 10/24/00: Approved staff alternate rec. of LI-CO (9-0) w/ conditions- prohibiting pawn shops/ adult oriented businesses | 11/30/00: Approved LI-CO (7-0); 1 st reading 5/24/01: Approved LI-CO (6-0); 2 nd /3 rd readings |
| C14-99-0084 | SF-2 to CS-CO | 6/22/99: Approved staff alternate rec. of LI-CO (6-0) | 7/22/99: Approved PC rec. of LI-CO w/ conditions (7-0); 1 st reading 4/20/00: Approved LI-CO (7-0); 2 nd /3 rd readings |

| | | | |
|-------------|-------------|---|---|
| C14-99-0054 | LI to CS-CO | 5/25/99: Denied CS-CO (6-0-1, RR-abstain) | 7/29/99: Approved staff recommendation of CS-CO w/ conditions (7-0); 1 st reading 11/18/99: Denied CS-CO (5-2, BG/WL-Nay); valid petition filed, lack of super majority |
| C14-99-0031 | SF-2 to LI | 3/23/99: Approved staff alternate rec. of LI-CO (9-0) | 5/6/99: Approved P/C recommendation of LI-CO (9-0); all 3 readings |

RELATED CASES: C7A-97-014 (Annexation on December 31, 1997)

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Route |
|---------|------|----------|----------------|-----------|------------|------------|
| FM 1825 | 120' | 64' | Major Arterial | No | No | Route # 75 |

CITY COUNCIL DATE: March 10, 2005

ACTION:

ORDINANCE READINGS: 1st

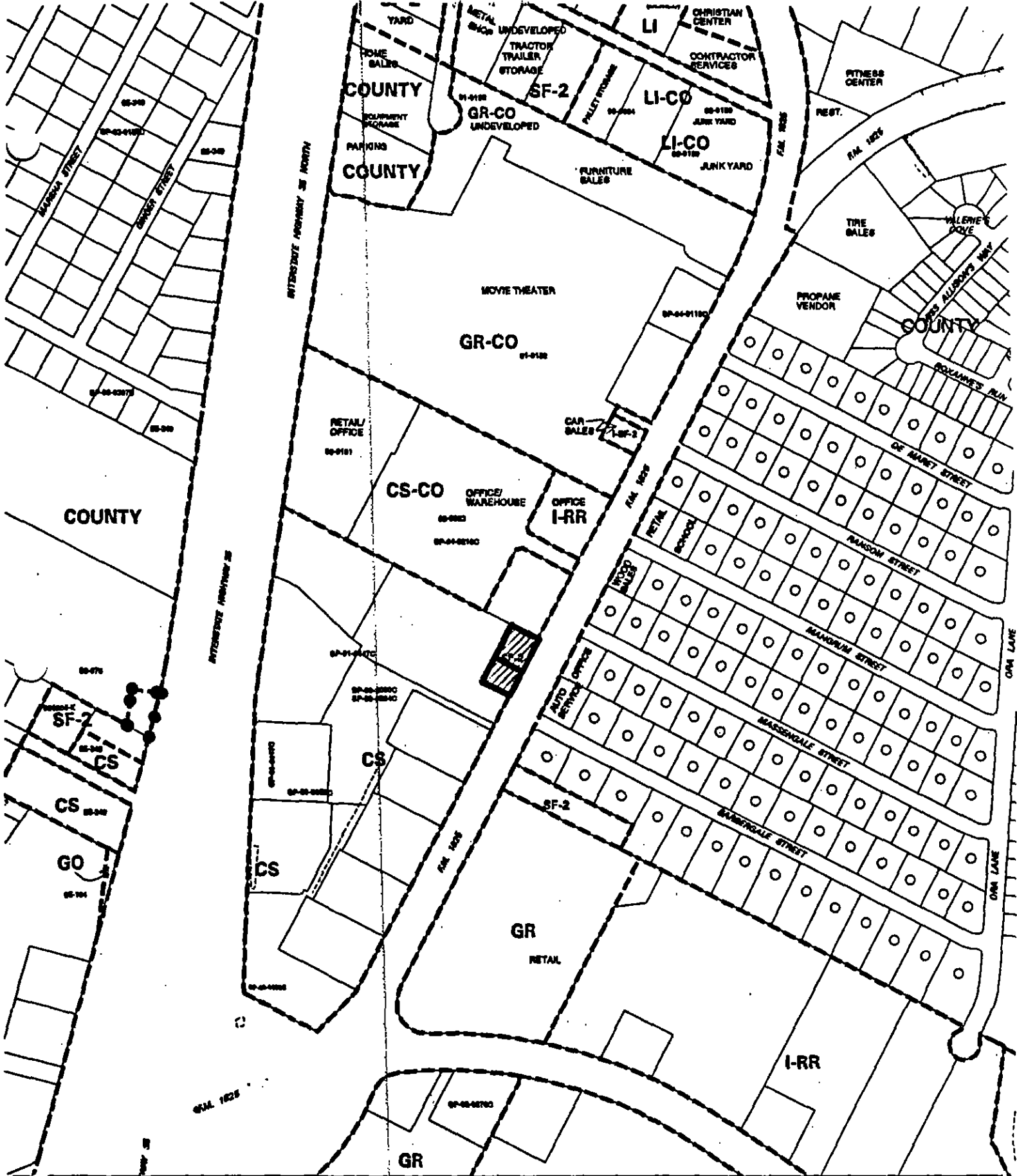
2nd




3rd

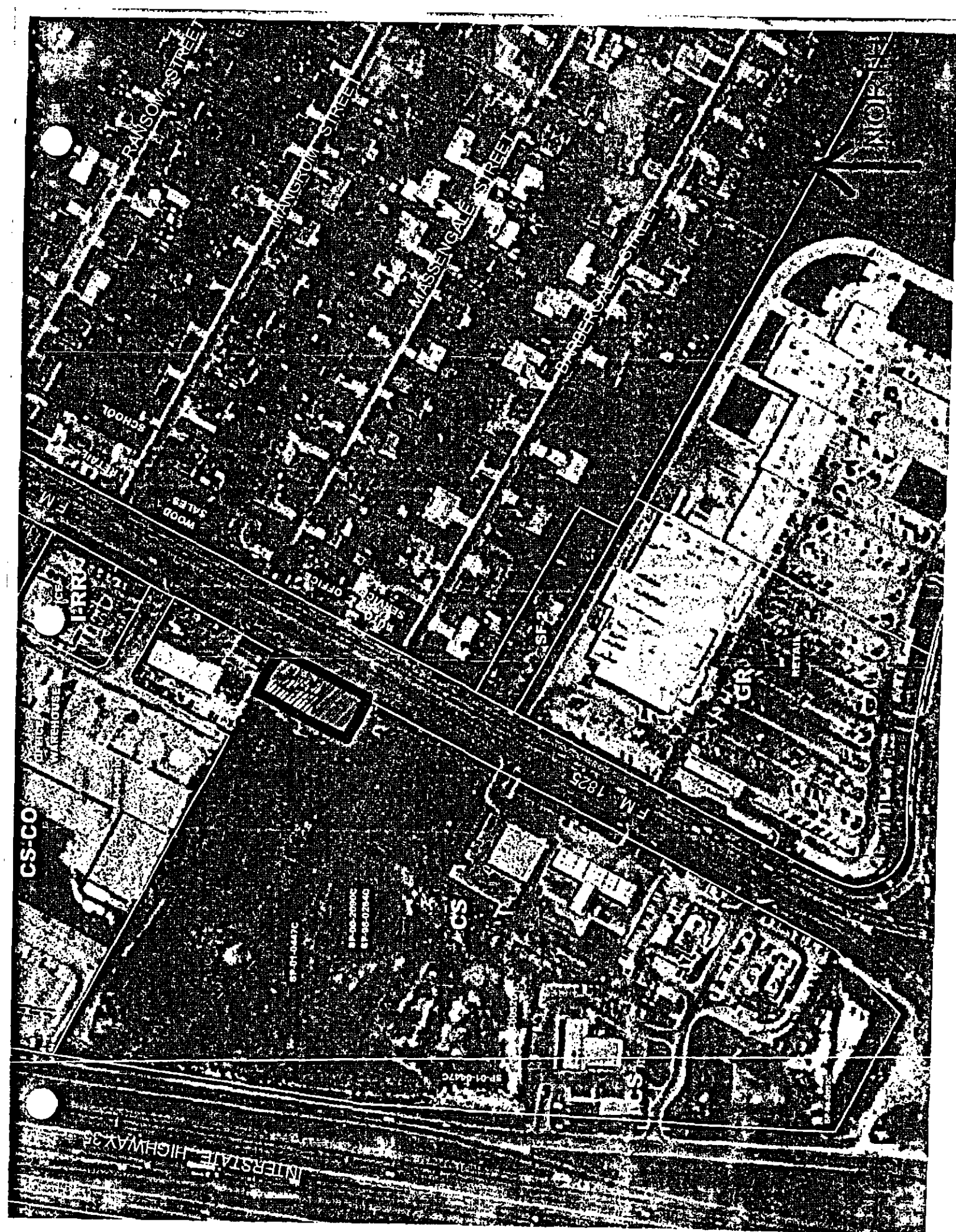
ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us



| | | |
|---|---|---|
| <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S. GAGER</p> | <p align="center">ZONING</p> <p>CASE #: C14-05-0007</p> <p>ADDRESS: 15200 FM 1825 RD</p> <p>SUBJECT AREA (acres): 0.467</p> | <p>CITY GRID REFERENCE NUMBER</p> <p align="center">N37</p> |
| <p>1" = 400'</p> | <p align="right">DATE: 05-01</p> <p align="right">INTLS: SM</p> | |



STAFF RECOMMENDATION

The staff's alternate recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question has two existing driveways onto F.M. 1825 and is located adjacent to a commercial center that takes access from Interstate Highway-35 and F.M. 1825.

2. *The proposed zoning should promote consistency, and orderly planning.*

This tract of land is located adjacent to existing CS zoning and there are commercial uses surrounding the site to the north, south, east, and west. The property to the south of the site under consideration is developed as a commercial center with restaurants, a bank, and retail sales uses.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed CS zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this location because of the commercial character of the area. The property fronts onto F.M. 1825, a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with an automotive repair business and a vacant structure. The property has two driveway access points to F.M. 1825.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for FM 1825. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of FM 1825 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

The trip generation under the requested zoning is estimated to be 3,785 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Route |
|---------|------|----------|----------------|-----------|------------|------------|
| FM 1825 | 120' | 64' | Major Arterial | No | No | Route # 75 |

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

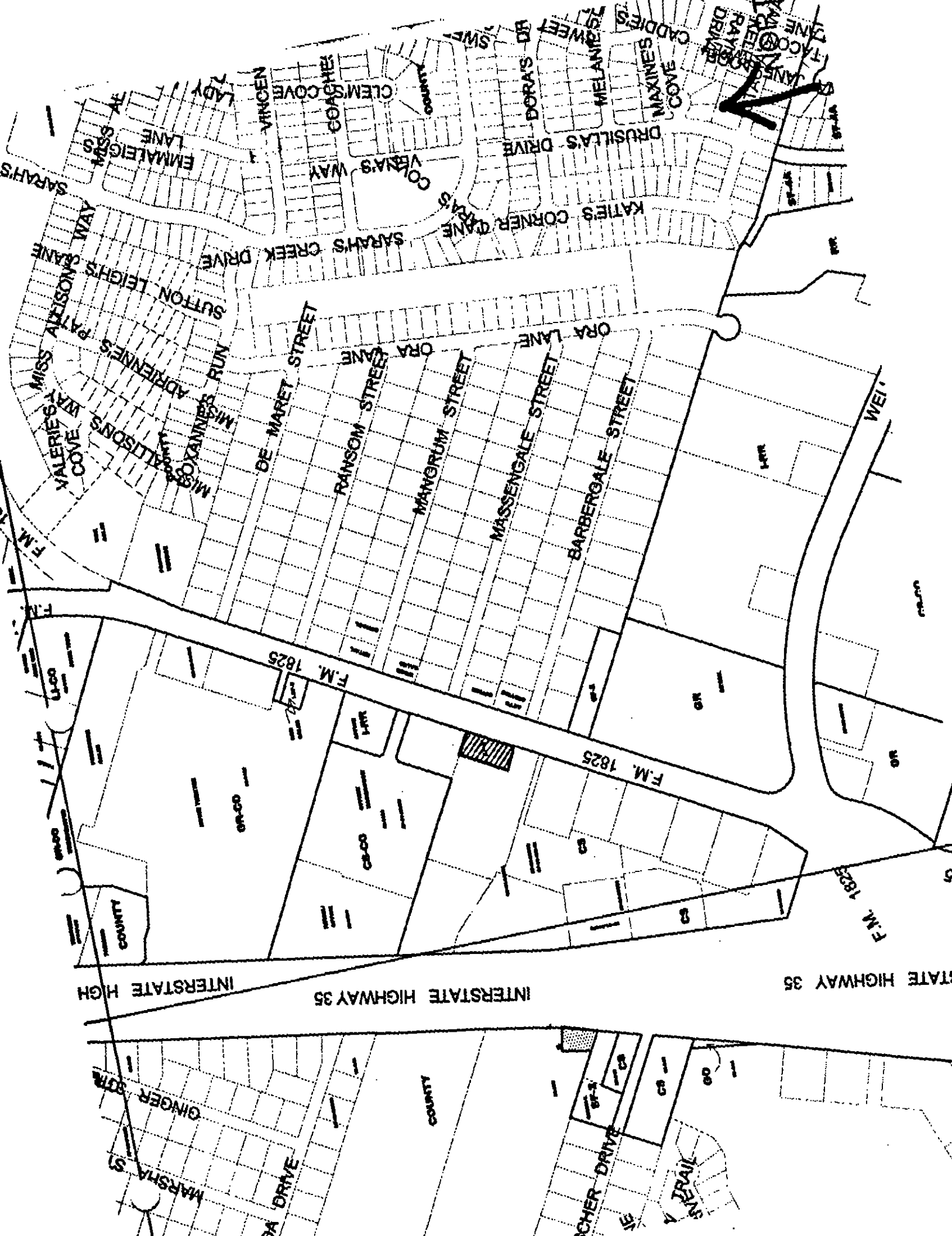
The landowner intends to serve the site with water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

There is SF-2 zoning to the southeast of the site.



10. **Rezoning:** C14-05-0006 - Hutto Place, L.P.
Location: Lakeline Mall and U.S. 183 North, Lake Creek Watershed
Owner/Applicant: Hutto Place, L.P. (Thomas J. Wolfe, Jr.)
Agent: Thrower Design (Ron Thrower)
Request: GR to CH
Staff Rec.: ALTERNATE RECOMMENDATION: CS-1-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO WITH ADDED CONDITIONS OF: PROHIBITING ADULT ORIENTED BUSINESSES; LIMIT SIZE OF BUILDING FOR LIQUOR SALES TO 12,000 SQUARE FEET, PROHIBIT PAWN SHOPS, PROHIBIT COMMERCIAL BLOOD/PLASMA CENTERS, PROHIBIT EXTERMINATING SERVICES, PROHIBIT ON-SITE CONSUMPTION; BY CONSENT.
[J.M; J.G 2ND] (8-0) K.J - ABSENT

11. **Rezoning:** C14-05-0007 - Rafael Montes De Oca
Location: 15200 F.M. 1825 Road, Harris Branch Watershed
Owner/Applicant: Rafael Montes De Oca
Agent: Tommy Schmoker
Request: SF-2 to CS
Staff Rec.: ALTERNATE RECOMMENDATION: CS-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING WITH ADDITIONAL CONDITIONS TO ALLOW CS DISTRICT DEVELOPMENT STANDARDS AND GR DISTRICT USES.
[M.W; J.M 2ND] (8-0) K.J - ABSENT

12. **Rezoning:** C14-05-0008 - Franks 15601
Location: 15601 IH-35 Service Road North Bound, Gilleland Creek Watershed
Owner/Applicant: Q. J. Franks
Agent: Bennett Consulting (Jim Bennett)
Request: SF-2 to CS
Staff Rec.: ALTERNATE RECOMMENDATION: CS-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-CO WITH THE ADDED CONDITION TO PROHIBIT PAWN SHOPS.
[J.M; J.G 2ND] (8-0) K.J - ABSENT

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 15200 F.M. 1825 ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to general commercial-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0007, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.467 acre tract, more or less, being two parcels of land consisting of a 0.268 parcel and a 0.199 parcel, out of the L.C. Cunningham Survey No. 63, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 15200 F.M. 1825 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses are prohibited uses of the Property:

| | |
|--------------------------------|--|
| Building maintenance services | Campground |
| Commercial blood plasma center | Construction sales and services |
| Convenience storage | Drop-off recycling collection facility |
| Electronic prototype assembly | Electronic testing |
| Equipment repair services | Equipment sales |
| Food preparation | Kennels |

1 Laundry services
2 Outdoor entertainment
3 Vehicle storage
4 Custom manufacturing
5 Club or lodge
6 Maintenance and service facilities
7 Transportation terminal

Monument retail sales
Plant nursery
Veterinary services
Limited warehousing and distribution
Hospital services (general)
Transitional housing

8
9 Except as specifically restricted under this ordinance, the Property may be developed and
10 used in accordance with the regulations established for the general commercial services
11 (CS) base district and other applicable requirements of the City Code.

12
13 **PART 3.** This ordinance takes effect on _____, 2005.

14
15
16 **PASSED AND APPROVED**

17
18
19
20 _____, 2005

21 Will Wynn
22 Mayor

23
24
25 **APPROVED:**

26 David Allan Smith
27 City Attorney

ATTEST:

Shirley A. Brown
City Clerk

STEVE H. BRYSON SURVEYING CO.

1715 Cap. of TX Hwy. S., Suite 208
Austin, TX 78746
(512) 347-9505
Fax: (512) 347-9510

FIELD NOTES

EXHIBIT A

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY NO. 63, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS BEING ALL OF THOSE CERTAIN TRACTS (EXHIBIT "A" AND EXHIBIT "B") OF LAND CONVEYED TO RAFAEL MONTES DE OCA AND JASMINE MONTES DE OCA IN VOLUME 10411, PAGE 57, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING TWO TRACTS OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1

BEGINNING, at an iron rod found in the Westerly right-of-way line of F. M. 1825, an existing public right-of-way, at the Northeast corner of said Montes De Oca Exhibit "A" tract, for the Northeast corner and the POINT OF BEGINNING of the herein described tract,

THENCE, S30°22'53"W, following said right-of-way line and passing the common East-corner of said Exhibit "A" tract and said Exhibit "B" tracts, 117.31 feet to a point, for the Southeast corner of the herein described tract,

THENCE, N59°48'00"W, leaving said right-of-way line, 99.51 feet to a point, for the Southwest corner of the herein described tract,

THENCE, N30°12'57"E, 117.60 feet to a fence post found, for the Northwest corner of the herein described tract,

THENCE, S59°37'55"E, with the North line of said Exhibit "A" tract, 99.85 feet to the POINT OF BEGINNING containing 0.268 of an Acre Of Land.

TRACT 2

BEGINNING, at an iron rod found in the Westerly right-of-way line of F. M. 1825, an existing public right-of-way, at the Southeast corner of said Montes De Oca Exhibit "B" tract, for the Southeast corner and the POINT OF BEGINNING of the herein described tract,

THENCE, N60°52'12"W, leaving said right-of-way line, 99.28 feet to an iron rod found, for the Southwest corner of the herein described tract,

THENCE, N30°12'57"E, 88.42 feet to a point, for the Northwest corner of the herein described tract,

THENCE, N59°48'00"E, 99.51 feet to a point in said right-of-way line, for the Northeast corner of the herein described tract,

Job No. 00-294
04-17-00

THENCE, S30°22'53"W, following said right-of-way line, 86.57 feet to the POINT OF BEGINNING containing 0.199 of an Acre Of Land.

Surveyed By: Steve H. Bryson

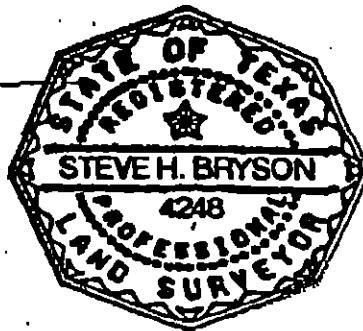
Steve H. Bryson - R.P.L.S. No. 4248

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1715 Capital of Texas Hwy., So., Suite 208

Austin, Texas, 78746

Ph: (512) 347-9505 Fax: (512) 347-9510



Job No. 00-294
04-17-00

